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OFFICE OF PETITIONS

In re	:
Pecquet, et al.	: DECISION ON APPLICATION
Application No. 09/909,797	: FOR PATENT TERM ADJUSTMENT
Filed: July 23, 2001	: AND
Patent No. 6,969,705 B2	: NOTICE OF INTENT TO ISSUE
Issued: November 29, 2005	: CERTIFICATE OF CORRECTION

This decision is in response to the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT", filed January 30, 2006, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. § 154(b).

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **zero (0)** days.

On November 29, 2005, the above-identified application matured into U.S. Patent No. 6,969,705 B2. The patent issued with a Patent Term Adjustment of ninety-three (93) days.

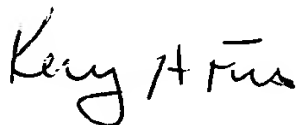
The Office determined a patent term adjustment of ninety-three days based on an adjustment for PTO delay of three days pursuant to 35 U.S.C. 154(b)(1)(C)(ii) and 37 C.F.R. §1.703(a)(3), one hundred twenty days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), and one hundred thirteen days pursuant to 35 U.S.C. 154(b)(1)(B)(iii) and 37 C.F.R. § 1.703(b), reduced by applicants' delays of fifty-one days and ninety-two days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b).

A review of the application reveals that applicants also should have been assessed additional delay pursuant to 37 C.F.R. 1.704(b) on two separate occasions. The Office mailed a Notice to File Missing Parts on September 6, 2001. Applicants did not file a reply until January 15, 2002. Accordingly, forty (40) days of applicant delay should have been assessed. In addition, applicants should have been assessed delay of ninety-one (91) days for filing an RCE on November 16, 2004, in response to a final Office action mailed on May 17, 2004.

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 CFR § 1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **zero (0)** days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)

Day : Tuesday
Date: 2/21/2006


PALM INTRANET

Time: 13:44:06

PTA Calculations for Application: 09/909797

Application Filing Date:	07/23/2001	PTO Delay (PTO):	236
Issue Date of Patent:	11/29/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	143
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-93		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	02/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		93	
62.5	11/09/2005	PTA 36 MONTHS	113		
62	11/29/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	120		57
61	11/02/2005	RECEIPT INTO PUBS			
60	11/02/2005	DISPATCH TO FDC			
59	11/02/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
58	11/02/2005	WORKFLOW - REQUEST FOR RCE - FINISH			
57	04/01/2005	ISSUE FEE PAYMENT VERIFIED			
56	10/24/2005	RECEIPT INTO PUBS			
55	09/26/2005	TC RETURN TO PUBS			
54	09/13/2005	WORKFLOW - QUERY REQUEST - FINISH			
53	09/06/2005	PUBS CASE REMAND TO TC			
52	07/13/2005	WORKFLOW - QUERY REQUEST - BEGIN			
51	06/27/2005	WORKFLOW - QUERY REQUEST - FINISH			
50	04/08/2005	CORRESPONDENCE ADDRESS CHANGE			
49	04/01/2005	ISSUE FEE PAYMENT RECEIVED			
48	04/01/2005	WORKFLOW - QUERY REQUEST - BEGIN			
47	02/08/2005	RECEIPT INTO PUBS			
46	01/12/2005	EXPORT TO INITIAL DATA CAPTURE			
45	01/20/2005	WORKFLOW - FILE SENT TO CONTRACTOR			
44	01/21/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
43	01/19/2005	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
42	01/05/2005	MAIL NOTICE OF ALLOWANCE			

41	01/05/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	12/27/2004	NOTICE OF ALLOWABILITY			
39	11/16/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	11/22/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
37	11/16/2004	REFERENCE CAPTURE ON IDS			
36	11/16/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	11/22/2004	DATE FORWARDED TO EXAMINER			
34	11/16/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
33	11/22/2004	DATE FORWARDED TO EXAMINER			
32	11/16/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
31	11/22/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
30	05/17/2004	MAIL FINAL REJECTION (PTOL - 326)	3		26
29	05/14/2004	FINAL REJECTION			
28	02/11/2004	IFW AMENDED CASE PROCESSING COMPLETE			
27	02/11/2004	DATE FORWARDED TO EXAMINER			
26	01/14/2004	RESPONSE AFTER NON-FINAL ACTION		92	24
25	01/14/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	07/14/2003	MAIL NON-FINAL REJECTION			
23	07/14/2003	NON-FINAL REJECTION			
22	06/19/2003	DATE FORWARDED TO EXAMINER			
21	06/11/2003	AMENDMENT AFTER FINAL REJECTION			
20	03/11/2003	MAIL FINAL REJECTION (PTOL - 326)			
19	03/10/2003	FINAL REJECTION			
18	01/06/2003	DATE FORWARDED TO EXAMINER			
17	12/20/2002	RESPONSE AFTER NON-FINAL ACTION		51	15
16	12/20/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
15	07/30/2002	MAIL NON-FINAL REJECTION			
14	07/29/2002	NON-FINAL REJECTION			
13	06/12/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	06/12/2002	CASE DOCKETED TO EXAMINER IN GAU			
		REQUEST FOR FOREIGN PRIORITY (PRIORITY			

11	12/20/2001	PAPERS MAY BE INCLUDED)			
10	12/20/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	01/15/2002	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
8	01/31/2002	APPLICATION DISPATCHED FROM OIPE			
7	01/30/2002	APPLICATION IS NOW COMPLETE			
5	09/06/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	09/05/2001	CORRESPONDENCE ADDRESS CHANGE			
3	09/05/2001	CORRESPONDENCE ADDRESS CHANGE			
2	07/31/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/23/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,969,705 B2

DATED : November, 2005

INVENTOR(S) : Pecquet, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (93) days

Delete the phrase "by 93 days" and insert – by 0 days—